

Senate bill No. 89, a bill to be entitled, "An Act to amend Title XC by adding Articles 4313, 4313a, 4313b, and providing for private weighers, defining their duties and liabilities, and providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Tex., Jan. 19, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 78, a bill to be entitled, "An Act to regulate elections and to provide penalties for its violation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Tex., Jan. 19, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Buildings and Grounds, to whom was referred

The resolution setting apart two rooms on the third floor of the Capitol building, one opening into the Senate gallery, the other room adjoining the same on the west, with a hall between said rooms, the same to be used by the Department of Public Health and Vital Statistics,

Recommend the adoption of said resolution and that such changes made in said rooms be done under the supervision and control of the Superintendent of Public Buildings and Grounds, the cost of same not to exceed \$150, to be paid for out of the contingent fund of the appropriation heretofore made for the Department of Public Health and Vital Statistics by the Twenty-eighth Legislature.

GLASSCOCK, Chairman.

HOLLAND.

MEACHUM.

STOKES.

SKINNER.

BARRETT.

HARBISON.

Committee Room,

Austin, Tex., Jan. 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 61, a bill to be entitled, "An Act to regulate the practice of osteopathy and creating a board of

examiners, providing for registration of certificates, and providing penalties for violation of the act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

McKAMY, Chairman.

Committee Room,

Austin, Tex., Jan. 18, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 38, a bill to be entitled, "An Act to amend Section 1 of Chapter LXXX of the Acts of the Twenty-eighth Legislature, sent to the Governor for approval on the 31st day of March, 1903, relating to the prevention of hogs, sheep and goats from running at large, amending Article 5001, Title CII, of the Revised Civil Statutes of the State of Texas of 1895, relating to the stock law."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments: Strike out the words "San Patricio" wherever they occur; strike out the word "counties" in line 2, page 2, and insert the word "county;" and that it be not printed.

BRACHFIELD, Chairman.

WILLACY.

HILL.

FAUST.

HAWKINS.

FAULK.

PAULUS.

NINTH DAY.

Senate Chamber,

Austin, Texas, Friday, Jan. 20, 1905.

Senate met pursuant to adjournment, Lieutenant Governor Geo. D. Neal presiding.

Roll call. Quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	Willacy.

Absent.

Grinnan. Meachum.

Absent—Excused.

Davidson.	Holland.
Decker.	Smith.
Harper.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Barrett the same was dispensed with.

STANDING COMMITTEE REPORTS.

(See Appendix for reports of Standing Committees.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Stone:

Senate bill No. 101, a bill to be entitled "An Act to amend Section 6, of an act entitled 'An Act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to create the Fifty-fourth Judicial District, fix the times for holding court therein, and provide for the appointment of a district judge for said district, and to repeal all laws in conflict with this Act."

Passed March 31, 1893.

Read first time, and referred to the Judiciary Committee No. 1.

By Senator Brachfield:

Senate bill No. 102, a bill to be entitled "An Act to amend an act entitled 'An Act to provide a charter for the city of Marshall, Harrison county, Texas, defining its boundaries, providing officers and prescribing their duties and powers, creating a corporation court and defining its powers and jurisdiction, and declaring an emergency,' approved March 23, 1903, by amending Section 1, of Article 4a, of said act, and adding thereto Sections 2 and 3, and by amending Sections 1, 4 and 5, of Article 6, of said act, and by adding thereto Sections 7, 8, 9, 10, 11 and 12, said sections relate to sidewalks and streets, to taxation and the issuance of bonds, and declaring an emergency."

Read first time, and referred to the Committee on City and Town Corporations.

By Senator Stafford:

Senate bill No. 103, a bill to be entitled "An Act to provide for the placing of surplus lines of insurance;

licensing agents for said purpose; providing for a bond to be given by such agents, and for a tax upon the receipts of premiums received for policies so obtained within this State, and prescribing mode of procedure in case of failure to comply with this Act."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Glasscock:

Senate bill No. 104, a bill to be entitled "An Act to amend articles 2989 and 2993 and to repeal Article 2995, Title LVI of the Revised Civil Statutes of the State, relating to the granting of injunctions."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hawkins (by request):

Senate bill No. 105, a bill to be entitled "An Act to provide that no member or officer of any corporations with forfeited charters and permits shall continue to do business under their old corporate names, nor to use the same or like signs or advertisements which were used by such corporations before such forfeitures; making the failure to comply with this act a misdemeanor, and prescribing a punishment therefor."

Read first time and referred to Judiciary Committee No. 1.

By Senator Hanger:

Senate bill No. 106, a bill to be entitled "An Act to create a criminal district court for the county of Tarrant, in the State of Texas, and to prescribe the jurisdiction thereof; fix the times for holding the terms of said court; to provide for the appointment and election of the judge thereof, and to provide for the sheriff, clerk and attorney thereof; to limit and conform thereto the jurisdiction of the district courts of Tarrant county, and to repeal all laws and parts of laws in conflict herewith."

Read first time, and referred to Committee on Judicial Districts.

By Senator Hawkins (by request):

Senate bill No. 107, a bill to be entitled "An Act to provide that all officers and members of any corporations, the charters and permits of which have been or may hereafter be forfeited, shall forthwith on such forfeiture, surrender and send in to the Secretary of the State their said charters and permits; and also to provide a punishment for the failure to comply with this act within ten days after such forfeiture."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Stafford:

Senate bill No. 108, a bill to be entitled "An Act to repeal so much of

Article 3096y of Title LVIII, Chapter 4, Revised Civil Statutes, as begins and ends as follows: 'Provided further, that the net reserve value on the first three years' existence of any policy of insurance issued by a home company as computed by said Article 3050 (2932) of Title LVIII (LIII), shall not be accounted a liability of the company.'

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Stafford:

Senate bill No. 109, a bill to be entitled "An Act to amend Article 3075, Chapter 3, Title LVIII, Revised Civil Statutes of the State of Texas, relating to insurance."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Stafford:

Senate bill No. 110, a bill to be entitled "An Act to prevent any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount, or payment of insurance premiums or rates charged for policies of life insurance."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Griggs:

Senate bill No. 111, a bill to be entitled "An Act to provide for conditional pardons and paroles of convicts of the State Penitentiary."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

EXCUSED.

On motion of Senator Harbison, Senator Harper was excused from attendance upon the Senate for today on account of important business.

On motion of Senator McKamy, Senator Grinnan was excused from attendance upon the Senate for today on account of important business.

On motion of Senator Stafford, Senator Meachum was excused from attendance upon the Senate for Wednesday, yesterday and today on account of sickness in his family.

On motion of Senator Looney, Senator Smith was excused from attendance upon the Senate for today on account of important business.

INVITATION FROM B. P. O. E.

The chair had read before the Senate an invitation to the members of the Senate and officers and clerks of same, from Austin Lodge No. 201, of the Benevolent and Protective Order of Elks, to their fourth annual reception on January 26, and

On motion of Senator Glasscock, the invitation was accepted.

MAILING CLERK APPOINTED.

In accordance with a simple resolution adopted on January 16, fifth day, page 5, of the Journal, providing for the appointment of one of the committee clerks to attend to the mailing of the Journals for the members, the Chair appointed Committee Clerk V. V. Daniels as such clerk.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature,
Austin, Tex., Jan. 20, 1905.

Hon. Geo. D. Neal, President of the Senate,

Sir: I am directed by the House to inform the Senate that the House has passed the following House Concurrent Resolution No. 5, relating to correcting the count of the votes for Governor and Lieutenant Governor.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 5—ADOPTION OF.

The Chair here laid before the Senate House Concurrent Resolution No. 5.

Whereas, On the 12th day of January, 1905, there was appointed a joint committee on the part of the Senate and on the part of the House of Representatives to canvass the vote cast November 8, 1904, for Governor and Lieutenant Governor of Texas; and

Whereas, There appears to have been some inaccuracies made in the tabulated statement of said count as printed,

Therefore, Be it resolved by the House of Representatives of the Twenty-ninth Legislature, the Senate concurring, that a committee of three members of the House be appointed by the Speaker to act on the part of the House with a like committee on the part of the Senate, to correct the inaccuracy as found.

KUBENA.

BRYAN of Harris.

CANALES.

The resolution was adopted and

The Chair appointed Senators Looney, Hawkins and Glasscock, on the committee as provided for, and requested them to meet at once with the House committee and make a report as early as possible.

MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas.

Austin, Jan. 20, 1905.

To the Senate:

I respectfully withdraw the name of George D. Streeter, of McLennan county, heretofore nominated as a member of the State Board of Homeopathic Medical Examiners, and ask the advice and consent of the Senate to the appointment of William L. Smith, of Grayson county, as a member of said board. At the time the nomination above mentioned was sent to the Senate I had not been informed of the death of Dr. Streeter.

S. W. T. LANHAM,
Governor.

EXECUTIVE SESSION.

Senator Hanger moved that the Senate appoint today at 11 o'clock as a time for the Senate to consider the above appointment. In accordance with the Constitution, the motion was adopted by unanimous consent.

(Senator Stafford in the chair.)

SENATOR BARRETT'S SPEECH.

On motion of Senator Hicks, the eloquent remarks of Senator Barrett, delivered yesterday at the exercises of the Daughters of the Confederacy on the life of General Lee, were ordered printed in the Journal, as follows:

Daughters of the Confederacy, Confederate Veterans, Ladies and Gentlemen: We honor ourselves by appropriately observing the anniversary of the birth of Robert E. Lee, whose life and achievements played such a conspicuous part in the history of our country. No higher or more sacred duty ever devolved upon posterity than that we owe our fathers in protecting their fair fame from the thrusts of calumny or in cherishing the sacred principles they died to defend. Every southerner feels justly proud of our long list of able leaders in times of war and our wise statesmen in times of peace. Under the command of the chieftain who sprang from southern soil the revolution was fought and won; through the patriotic cession of the northwest territory by Virginia the Union was made possible.

Of all of the states that have been added to the American Union, how few were gained, except when southern statesmen were at the helm of the ship of state and southern sons, the generals who led our soldiers to victory. Who could doubt their love for the Union when their treasures were so generously spent and their best

blood so freely shed to promote its interests and defend its honor. And amid all the bitter passions of the stormy days preceding the crisis of '61, when reason seemed to have deserted the councils of the nation, we challenge the world to point to a single demand the south ever made that was unwarranted by the constitution or not upheld by the highest judicial tribunals of the land.

When thirteen northern states openly violated the plain provisions of the Constitution, when instigators of insurrection in our midst were applauded as heroes at the north; when the strong ties of fraternal, social and religious organizations had already been severed; when we were not accorded the rights and protection that foreign states were entitled by the law of nations—after every object for which the Union was formed, the establishment of justice, domestic tranquillity, etc., had failed—when all hope of a redress of their grievances had vanished, what other course with honor was left them to pursue save that indicated by several of the states, both north and south, when ratifying the constitution, they solemnly declared that should these objects fail, they would resume the powers delegated to the federal government.

No better evidence of their devotion to our system of government need be produced than the Constitution of the Confederate states, almost identical with that of the United States save in making more plain the ambiguous phrases of the latter document.

As intelligent Englishmen today acknowledge that the haughty, tyrannical King George the Third was the real revolutionist of 1776, so we confidently believe that when history will have been impartially written the northern people and not the southern will be called the real secessionists of '61.

After the terrible notes of war had sounded, calling the true sons of our beloved southland to battle from the time the stars and bars were borne to victory over the bloody fields of Bull Run until the worn and depleted ranks of Lee surrendered to Grant at Appomattox, no homes ever had abler defenders, no country more brave or loyal soldiers. From Virginia's historic fields to the orange groves of sunny Florida; from the palmettoes of the Carolinas to the sparse settlements of the Rio Grande, mothers, wives and daughters toiled and suffered in silence, their prayers were wafted on every breeze for loved ones far away, many

"For whom no more the blazing hearth should burn,

Or busy housewife ply her evening
care;
No more the children run to lisp their
sire's return,
Or climb his knee the envied kiss to
share."

The southern Confederacy! from thy birth surrounded by clouds of war, thy bitterest enemies have sought in vain for one act to stain thy good name. Always guided by the most enlightened policy, your prisoners were fed when your armies were starving; you offered to administer them medicine if permitted to purchase even when your supplies were exhausted; ever ready to make honorable exchanges, thy victorious legions left no ruin and desolation in their paths; the rights and property of non-combatants were respected.

Robert E. Lee—our greatest chief—how feeble are the best efforts of our most gifted orators to fittingly portray the noble qualities of thy stainless soul! The tender, loving son; the devoted husband; the thoughtful, affectionate father; the able, trusted general; the chivalrous, Christian gentleman; so long as historians record great events, thy achievements will be unforgettably. Thy majestic form will live on canvas and endure in marble, and of thee unborn poets will sing their sweetest songs. In our hearts we love and cherish your memory still!

Of the world's estimate of Lee as general, the great Von Moltke said: "He was the full equal of Wellington, the conqueror of Napoleon." Even Roosevelt has said: "He will undoubtedly rank without exception as the very greatest of all the great captains that English speaking peoples have produced." Said Winfield Scott: "He was the very best soldier that I ever saw in the field."

But the true grandeur of his character shone forth more resplendently in defeat than in victory. When the sad remnant of that once splendid army plead to make one more charge at Appomattox and die upon the field of battle, listen to his reply: "Brave comrades, human virtue should be equal to human calamity. It is our duty to live. Yes, by a sacrifice nobler than death—live. Live for your helpless wives and children. Live to pour into the bosoms of your countrymen the reviving tide of hope. Live to rebuild your shattered country. Live to exhibit to the world the glory of magnanimous suffering. Live to prove to the world that you can be as brave in peace as you were in war. Live to illustrate by sublime example that human virtue should be equal to human calamity."

During the dark days of the recon-

struction period he said: "I have fought against the people of the north because I believed they were seeking to wrest from the south her dearest rights, but I have never cherished towards them bitter or vindictive feelings, and have never seen the day when I did not pray for them."

Permit me to adopt the words of one of our greatest orators who, in pronouncing a eulogy upon Robert E. Lee, so beautifully said: "He was a public officer without vices; a citizen without wrong; a neighbor without reproach, and a man without guile. Was Caesar, without his ambition; Napoleon, without his selfishness; Frederick without his tyranny, and Washington, without his reward."

Daughters of the Confederacy, as your mothers inspired our fathers to deeds of valor and renown in "the times that tried men's souls," it is now yours to urge us to fulfill our obligations to both the living and the dead.

As a generous people have just voted to double the amount formerly allowed for Confederate pensions, let us see that the full amount is given them. Let us see that we supply with unstinted hand the veterans in gray out at the Confederate Home. Cease not your labors until over the graves of our honored dead and on every public square fitting monuments to their memory are erected, beneath whose shadows our children's children may draw lessons of courage, patriotism and devotion to duty.

So long as our rock-ribbed mountains greet the rays of the rising sun, so long as the seasons come and go and our rivers flow on to the sea, let the descendants of the soldiers of the Confederacy meet on each recurring anniversary of the birth of Robert E. Lee, whose name and fame shall rise about the wrecks of time

"Like some tall cliff that lifts its awful
form,
Swells from the vale and midway
leaves the storm;
Though round its breast the rolling
clouds are spread,
Eternal sunshine settles on its head."

EXECUTIVE SESSION.

The Chair here announced the hour for the Senate to sit in executive session, to consider the appointments sent in on yesterday by the Governor, had arrived, therefore the Senate chamber was cleared of all visitors and the Senate proceeded to business.

IN EXECUTIVE SESSION.

The following confirmations were had in executive session:

In Memory of R. K. Smoot, D. D.

By Senators Glasscock and Faulk:

Whereas, The Senate of Texas deplores the sudden death of R. K. Smoot, D. D., of the city of Austin, which occurred on the night of January 10, 1905, at his residence in the city of Austin, Texas.

Dr. Smoot served for ten consecutive years as Chaplain of the Senate of Texas, viz., in the Eighteenth, Nineteenth, Twentieth, Twenty-first and Twenty-second Senates, in which position he served with marked ability. He was also one of the members of the Board of Pardons during the administration of Governor Sayers.

He was a native of Tennessee and a graduate of Hanover College of Indiana and the Theological Seminary at Danville, Ky. He began his first ministerial work as pastor of the Presbyterian Church of Bowling Green, Ky., in 1860; there he continued until 1876, at which time he moved to Austin, Texas, and became at once the pastor of the Free Presbyterian Church of Austin, in which capacity he served up to the time of his death.

About eleven years ago he gave his assistance and influence to the establishment of a school of theology in the city of Austin, to which he voluntarily gave his services without any compensation. The last eighteen months of his life he filled the Chair of Church History in the Austin Theological Seminary. As a reward for his ability, prominence and fidelity, in all matters affecting the Presbyterian Church, in 1882 he was elected to the high position of Moderator of the General Assembly of the Presbyterian Church in Atlanta, Georgia. He was recognized as one of the ablest and strongest men of his church. He was 68 years old at the time of his death, which was very sudden, being caused from heart failure. His health up to the time of his death was good and his death caused a shock to the members of his church, his friends and the city of Austin.

He was cordial and warm-hearted and always conveyed by the light of his eye and the clasp of his hand an expression of sincere friendship.

In the discharge of every duty he assumed, he was faithful to his trust, to his family and the community; he was diligent in the discharge of his obligations.

As he lived, so he died, an honest, upright man, a pleasant and social companion, a kind and affectionate husband and father, a true and devoted Christian.

He fell as only fall the good and true,
As sinks a weary child whose tasks are through,
Leaning like him of old upon his Savior's breast;
Peacefully and quietly he sank to rest.

Therefore, be it Resolved, That this Senate extend to the family of the deceased its sympathy in their sad bereavement in the death of its former Chaplain, Dr. R. K. Smoot.

Be it Further Resolved, That a copy of this preamble and resolution be spread upon the Journal of this Senate, and that a page thereof be set aside as a memorial page to his memory, and a copy of the same be delivered to the family of the deceased.

The resolution was adopted by a rising vote.

Secretary of State—J. R. Curl of Travis county.

Assistant Attorney General—Howard Martin of Parker county.

Adjutant General—John A. Hulen of Cooke county.

State Health Officer—George R. Tabor of Brazos county.

State Revenue Agent—F. S. Bell of Callahan county.

Fish and Oyster Commissioner—I. P. Kibbe of Victoria county.

Superintendent of Penitentiaries—Searcy Baker of Grimes county.

Commissioner of Agriculture, Insurance, Statistics and History—W. J. Clay of Erath county.

Superintendent of Public Buildings and Grounds—C. E. Gilbert of Travis county.

Financial Agent of Penitentiaries—John L. Wortham of Limestone county.

Assistant Superintendent of Penitentiaries, at Huntsville—Thomas H. Brown of McLennan county.

Assistant Superintendent of Penitentiaries, at Rusk—John B. Reagan of Cherokee county.

Assistant Superintendent in Charge of the House of Correction and Reformatory—L. J. Tankersley of Bell county.

Inspectors of Penitentiaries—Clifford A. Adams of Brazos county, Charles J. Brady of Williamson county.

Board of Penitentiary Commissioners—L. M. Openheimer of Travis county, S. M. Fry of Tarrant county, J. L. Ellison of Caldwell county.

Board of Pardon Advisers—Henry E. Shelley of Travis county, Robert L. Allen of McLennan county.

Live Stock Sanitary Commissioners—Robert J. Kleberg of Nueces county, W. J. Moore of Bexar county, M. M. Hankins of Hardeman county.

Judge of the Criminal District Court of Galveston and Harris Counties—J. K. P. Gillespie of Harris county.

Clerk of the Criminal District Court of Galveston County—R. A. Burney of Galveston county.

Clerk of the Criminal District Court of Harris County—Oscar E. Reynaud of Harris county.

Board of Managers of the North Texas Lunatic Asylum—John L. Terrell, J. S. Grinnan, B. L. Gill, W. A. Brooks and George E. Kelley, all of Kaufman county.

Board of Managers of the State Lunatic Asylum—David Harrell, R. P. Bull, W. H. Folts, R. W. Finley and F. T. Ramsey, all of Travis county.

Board of Managers of the Southwest Texas Lunatic Asylum—Homer Eads, A. C. McDaniel, P. H. Swearingen,

John W. Kokernot and Frank H. Bush- ick, all of Bexar county.

Board of Managers of the Epileptic Colony—John Bowyer, Lewis C. Wise, Abdon Holt and D. L. Middleton of Taylor county, and J. T. Harrington of McLennan county.

Board of Managers of the Confederate Home—E. P. Reynolds of Hays county, A. W. McIver of Burleson county, Z. T. Fulmore, Paul F. Thornton and Val C. Giles of Travis county.

Board of Trustees of the Deaf and Dumb Asylum—L. P. Lochridge, Joe Koen, J. A. French, John E. Shelton and C. A. Taylor, all of Travis county.

Board of Trustees of the Blind Asylum—O. D. Parker, W. M. Thornton, W. G. Bell, H. A. Wroe and Sidney Nolan, all of Travis county.

Board of Trustees of the State Orphan Asylum—R. H. Daniel, W. A. Polk, R. E. Prince, J. L. Halbert and Mrs. H. L. Scales, all of Navarro county.

Board of Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—R. M. Thomson, Charles Stephenson, W. H. Cullen, Herman Pressler and J. W. Graham, all of Travis county.

Board of Regents of the State University—T. S. Henderson of Milam county, George W. Brackenridge of Bexar county, R. Waverley Smith of Galveston county, T. W. Gregory of Travis county, Beauregard Bryan of El Paso county, J. N. Browning of Potter county, Ben B. Cain of Smith county, H. M. Chapman of Tarrant county.

Board of Regents of the Texas Industrial Institute and College for the Education of White Girls of the State of Texas in Arts and Sciences—Clarence C. Ousley and Helen M. Stoddard of Tarrant county, Birdie R. Johnson of Smith county, John A. Hann of Denton county, M. Eleanor Brackenridge of Bexar county, Arthur Lefevre of Travis county, J. H. Lowry of Fannin county.

Board of Directors of the Agricultural and Mechanical College—Marion Sansom of Tarrant county, Frank Reichardt of Harris county, A. J. Brown of Dallas county, K. K. Leggett of Taylor county, George T. Jester of Navarro county, A. Haidusek of Fayette county, L. D. Amsler of Waller county.

Members of the State Board of Dental Examiners—M. S. Merchant of Lee county, C. C. Weaver of Hill county, T. L. Westerfield of Dallas county, all of whom were appointed October 2, 1903; T. P. Williams of Harris county, George S. Staples of Grayson county, J. H. Grant of Anderson county.

State Board of Medical Examiners—J. T. Wilson of Grayson county, J. W. Scott of Harris county, S. R. Burroughs of Leon county, J. H. Reuss of DeWitt county, D. J. Jenkins of Marion county, M. M. Smith of Travis county, J. H. Evans of Anderson county, S. T. Turner of El Paso county, all of whom were appointed May 11, 1903; T. J. Bell of Smith county, appointed January 27, 1904.

State Board of Eclectic Medical Examiners—M. E. Daniel of Fannin county, G. W. Johnson of Bexar county, L. S. Downes of Galveston county, W. J. Bell of Cooke county, G. Helbing of Fannin county, E. L. Fox of Harris county, C. T. Hudson of McLennan county, J. N. White of Cass county, Charles Dowdell of Ellis county, all of whom were appointed May 11, 1903.

State Board of Homeopathic Medical Examiners—J. T. Crowe of Dallas county, F. L. Griffith of Travis county, W. R. Owen of Bexar county, J. R. Pollock of Tarrant county, G. F. Thornhill of Lamar county, C. E. Johnson of Grayson county, H. B. Stiles of Cooke county, all of whom were appointed May 11, 1903; S. W. Cohen of McLennan county, appointed September 5, 1903; William T. Smith of Grayson county.

Commissioners of Pilots at Galveston—J. A. Robertson, John Young, Fred C. Pabst, J. M. O. Menard and Charles Clark, Sr., all of Galveston county.

Commissioners of Pilots at Sabine Pass—R. A. McReynolds, W. H. Gilie-land, Gus Higby, J. R. Adams and J. L. Megathlin, all of Jefferson county.

Commissioners of Pilots at Brazos de Santiago—Frank Champion, Jose Celaya, Thomas Carson, Joseph Champion and W. E. Wren, all of Cameron county.

IN THE SENATE.

SPECIAL COMMITTEE REPORTS.

Committee Room.

Austin, Texas, January 20, 1905.

To the Hon. F. W. Seabury, Speaker of the House, and Hon. Geo. D. Neal, President of the Senate:

Your Joint Committee appointed for the purpose of arranging for the election of a United States Senator, have had the same under consideration, and beg leave to report as follows, viz:

1. That the Senate proceed to nominate and ballot for a United States Senator on January 24th, at 11:30 a. m.
2. That the House proceed to nominate and ballot for a United States Senator on January 24th, at 12:15 p. m.
3. That the Senate and House shall

meet in Joint Session on Wednesday, January 25th, at 12 o'clock noon, in the House of Representatives, for the purpose of declaring the result of the previous balloting.

Respectfully Submitted,

On the part of the Senate:

McKAMY,
HICKS,
STAFFORD.

On the part of the House:

LOVE of Dallas,
PEELER,
COBBS.

On motion of Senator McKamy the report was adopted.

ADJOURNMENT.

On motion of Senator Hicks, the Senate adjourned till tomorrow morning at 10 o'clock.

APPENDIX A.

COMMITTEE REPORTS.

(Judiciary No. 1.)

Committee Room.

Austin, Texas, January 20, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 87, a bill to be entitled "An Act in relation to the partition of real estate, allowing a decree of sale in the first instance without appointment of commissions of partition, and to assess attorneys' fees therein,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill do pass.

HICKS, Chairman.

C. S. S. B.]

[By Committee.

A bill to be entitled "An Act to amend Article 3635, Title LXXVII, Chapter 3 of the Revised Statutes of Texas of 1895."

Be it enacted by the Legislature of the State of Texas:

That Article 3635, Title LXXVII, Chapter 3 of the Revised Statutes of the State of Texas be amended to read as follows:

Article 3635. The court shall adjudge the costs in a partition suit to be paid by each party to whom a share has been allotted in proportion to the value of each share and the court shall assess and adjudge on final decree of partition, or sale for partition, a rea-

sonable attorney's fee for the attorney of the complainants and all other attorneys representing any other interests in said estates, which shall be taxed as cost in the case and which shall be a lien against each interest in said property, or the proceeds of sale, in the proportion that such part bears to the value of the whole property.

Committee Room,

Austin, Texas, Jan. 20, 1895.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Judiciary No. 1, to whom was referred

Senate bill No. 46, a bill to be entitled, "An Act to amend Article 2159, Title XXXIX, Chapter 25, Revised Civil Statutes,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill do pass.

HICKS, Chairman.

C. S. S. B.]

[By Committee.

A bill to be entitled "An Act to amend Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, Revised Civil Statutes."

Be it enacted by the Legislature of the State of Texas:

That Articles 2159, 2164, 2170, 2171, 2174, Title XXXIX, Chapter 25, of the Revised Civil Statutes be so amended as to read as follows:

Article 2159. Upon the return of any such citation served at the return term thereof or at some succeeding term to which the application may be continued, if it shall appear that such citation has been served or published as required by law, the court shall ascertain whether the whole or any part of such property is susceptible of partition, also the value of the property, and that there is a residue of the estate on hand subject to partition and distribution, the court shall proceed to have such residue partitioned and distributed among the persons entitled thereto in the manner hereinafter provided.

Art. 2164. If the estate do not consist entirely of money or debts due the estate, or both, the court shall appoint three or more discreet and disinterested persons as commissioners to make a partition and distribution of the estate, unless the court has already determined that the estate is incapable of partition.

Art. 2170. When in the opinion of the court the whole or any portion of the estate is not capable of a fair and equal division among the distributees, the court shall make a special finding in writing specifying therein the prop-

erty that is so incapable of division and the value of the same as found by it.

Art. 2171. Upon such special finding of the court any one or more of the distributees, at a regular term of the court, by the payment to the executor or the administrator of the value of the property found by the court that is incapable of division, shall have the right to take such property.

Art. 2174. Any distributee shall have the right to file his exception to said finding within twenty (20) days thereafter the finding of the court, the court shall hear proof of same and if satisfied that its finding is erroneous, it may make such additional or amendatory finding so as to conform to the proof.

Committee Room,

Austin, Tex., Jan. 20, 1905.

Hon. George D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 45, a bill to be entitled, "An Act to amend Article 3611, Title LXXVII, Chapter 1, of the Revised Civil Statutes,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the accompanying committee substitute bill do pass.

HICKS, Chairman.

C. S. S. B.]

[By Committee.

A Bill to be entitled, "An Act to amend Articles 3611, 3621, Title LXXVII, Chapter 1, of the Revised Civil Statutes."

Be it enacted by the Legislature of the State of Texas:

That Articles 3611 and 3621, Title LXXVII, Chapter 1, of the Revised Statutes be amended to read as follows:

Art. 3611. The court shall determine before entering the decree of partition whether the property or any part thereof is susceptible of partition and if the court determines that the whole of such property or any part thereof is susceptible of partition then the court for that part of such property held to be susceptible of partition shall enter a decree directing the partition of such real estate, describing the same, to be made in accordance with the respective shares or interests of each of the parties entitled thereto. Specifying in such decree the share or interest of each party, and shall appoint three or more competent and disinterested persons as commissioners to make such partition in accordance with

such decree and the law, a majority of which commissioners may act.

Art. 3621. Should the court be of the opinion that a fair and equitable division of the real estate or any part thereof can not be made, it shall order a sale of so much of such real estate as is incapable of partition, which sale shall be for cash or upon such other terms as the court may direct, and shall be made as under execution, and the proceeds thereof shall be returned into court and be partitioned among the persons entitled thereto according to their respective interests.

Committee Room,

Austin, Tex., Jan. 20 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 12, a bill to be entitled, "An Act to compel all corporations in this State owning, leasing or operating a municipal franchise to file annual reports, and providing penalties for violation thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute bill do pass.

HICKS, Chairman.

C. S. S. B.] [By Committee.

A bill to be entitled "An Act to compel all corporations in this State owning, leasing or operating in cities or towns of over five thousand population, street railways, electric lighting or power plants, furnishing light and power to the public; gas plants furnishing gas to the public, or water plant furnishing water to the public, to file annual reports, and providing penalties for the violations of the provisions of this Act."

Be it enacted by the Legislature of the State of Texas:

Section 1.—Every corporation within this State owning, leasing or operating in this State, in cities or towns of over five thousand population, a street railway, electric lighting or power plant furnishing light or power to the public, gas plant furnishing gas to the public, water plant furnishing water to the public, shall annually, on the first Monday in September of each year, file a report with the Secretary of State, upon blank forms to be furnished by the Secretary of State, showing the following facts: (1) The authorized capital stock of such corporation, the amount of such stock that has actually been issued, and how much of such stock actually issued is common and how much preferred, and how much is due upon unpaid stock; (2)

the bonded indebtedness of such corporation, and how many bonds have been actually sold, the rate of interest upon such bonds and when such bonds mature, and the price at which such bonds were sold; (3) any other fixed lien or mortgage upon such property and the amount thereof; (4) the floating indebtedness of such corporation, including all bills payable, of whatever nature; (5) the value of the visible tangible property of such corporation, giving separate value of the lands, machinery, buildings, tracks and equipment and in gross, all bills receivable and cash on hand; (6) the annual cost of operating such corporation, showing under separate items (a) the amount paid for salaries, (b) amount paid for labor, (c) fixed charges, including interest, taxes and insurance, (d) amount paid for fuel, (e) amount paid for extensions, repairs and maintenance, (f) amount paid for claims or suits for damages, (g) amount paid for miscellaneous expenses; (7) the annual gross earnings of such corporation, including revenues from every source, showing by separate items amounts received by departments, such as amount received for light, amount received for power, water, gas, amount received for street railway fares and tickets.

Sec. 2.—The corporations mentioned in Section 1 hereof shall also make to the Secretary of State, upon blanks to be furnished by him, reports as to the price charged the public for gas, water, light, power and the price charged per passenger upon street railways; and if any such corporations have contracts with cities or towns for furnishing water or light, then the amount of such charges.

Sec. 3.—The reports provided for in Sections 1 and 2 of this Act shall be under oath, and shall be made by any officer of the corporation having knowledge of the facts, or its general manager or superintendent.

Sec. 4.—A true copy of the reports required by the provisions of this Act, sworn to as provided, shall be filed annually on the first Monday in September of each year with the mayor of the city or town where the corporation has its principal place of business, and such report shall be recorded in a properly indexed book to be kept for that purpose and open to the inspection of the public at all times.

Sec. 5.—Any such corporation as described in Section 1 of this Act, which shall fail or refuse to file the reports in the manner provided by this Act, and at the time specified, shall, upon suit of the Attorney General of the State, in a court of competent juris-

diction, forfeit its charter and be subject to a penalty of not less than one thousand dollars and not more than ten thousand dollars, which penalty may be recovered in the same action brought to forfeit the charter.

Sec. 6.—The fact that there is now no law providing for securing data and statistics concerning corporations owning and operating gas, water, electric lights and street railways in this State creates an emergency and an imperative public necessity, requiring that the constitutional rule which provides that all bills shall be read on three several days, be suspended, and such rule is hereby suspended and it is so enacted.

TENTH DAY.

Senate Chamber.

Austin, Tex., Saturday, Jan. 21, 1905.

Senate met pursuant to adjournment, President Pro Tem. Hanger presiding.

Roll call. No quorum present, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Hanger.	Stone.
Harbison.	Terrell.
Hawkins.	

Absent.

Faust.	Meachum.
Grinnan.	Stafford.
Hale.	Stokes.
Martin.	Willacy.

Absent—Excused.

Davidson.	Harper.
Decker.	Holland.

CALL OF THE SENATE.

There being no quorum present, Senator Hicks moved a call of the Senate for the purpose of securing and maintaining a quorum.

The motion being duly seconded, the Chair ordered the roll called, the following Senators answering to their names:

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	McKamy.
Faulk.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.

Hanger.	Stafford.
Harbison.	Stone.
Hawkins.	Terrell.

Absent.

Faust.	Meachum.
Grinnan.	Stokes.
Hale.	Willacy.
Martin.	

Absent—Excused.

Davidson.	Harper.
Decker.	Holland.

ABSENTEES—NOT EXCUSED.

Senators Faust, Grinnan, Hale, Harper, Martin, Stokes and Willacy.

The Chair ordered the Sergeant-at-Arms to bring in the absentees as soon as possible, or at least enough to make a quorum.

Senator Stokes being announced at the bar of the Senate, the Chair announced a quorum present.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Beaty the same was dispensed with.

STANDING COMMITTEE REPORTS.

(See appendix for reports of standing committees.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Stone:

Senate bill No. 112, a bill to be entitled "An Act to amend Article 2939, Title LIII, of the Revised Civil Statutes of Texas of 1895, pertaining to legal holidays, by adding June the 3d as a legal holiday."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Looney and Hanger:

Senate bill No. 113, a bill to be entitled "An Act to amend Title XXII, Article 750, of the Revised Civil Statutes of Texas, relating to counter claims, providing that where the defendant pleads any counter claim, the plaintiff shall take notice thereof, and no citation thereon shall be necessary."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hicks:

Senate bill No. 114, a bill to be entitled "An Act to amend Article 785, Chapter 3, Title XVII, of the Penal Code of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Hicks:

Senate bill No. 115, a bill to be entitled "An Act to amend Article 4218f,